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UNCLAS SECTION 01 OF 03 KHARTOUM 000696

DEPT FOR SE GRATION, S/USSES, AF A/S CARSON, AF/E
NSC FOR MGAVIN
DEPT PLS PASS USAID FOR AFR/SUDAN, USAID/W DCHA SUDAN
ADDIS ABABA ALSO FOR USAU

SENSITIVE
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TAGS: [ASEC](#) [PGOV](#) [PREL](#) [KPKO](#) [SOCI](#) [AU](#) [UNSC](#) [SU](#)

SUBJECT: CREDIBILITY OF ELECTIONS AT RISK WITH SLIPPING ELECTIONS
TIMELINE

SUMMARY

¶1. (SBU) SUMMARY. Despite the hope of election preparations moving forward rapidly with the formation of the National Election Commission (NEC), such preparation continues to be delayed. The NEC is already behind the election timeline that was announced on April 2, 2009 when an election date was set for February 2010. Now the NEC plans to further delay national elections to late April ¶2010. The current organization of the NEC gives weight to primarily two committees, and Post is concerned that the two Southern commissioners are being sidelined. The NEC is also slow in its election preparations to respond to best practices guidance from international advisors. USAID/Sudan officers had a series of elections-related meetings on May 19 - 20, including with the Ministry of International Cooperation (MIC), the National Election Commission, the Political Party Affairs Council, the Donor Working Group, the UNMIS Electoral Division, and USAID's Election Administration Support Program partner, the International Foundation for Electoral Systems (IFES). These discussions highlighted concerns over the credibility of the evolving electoral process.
END SUMMARY.

FURTHER ELECTIONS DELAY, ESTIMATED ELECTIONS BUDGET

¶2. (SBU) USAID/Sudan Acting Mission Director, Regional Legal Advisor, and Democracy and Governance officer met with Ministry of International Cooperation Undersecretary El-Fathi. The primary purpose of the meeting was to discuss USAID's implementation protocols for national elections assistance. During this meeting, Undersecretary El-Fathi explained that two new working groups have recently been established by the NEC to engage the international community on election coordination. The first is a high-level Election Policy Working Group composed of principal countries/donors supporting the elections, and the second is a Technical Working Group composed of election advisors and implementation partners.

¶3. (U) Undersecretary El-Fathi, UNMIS Electoral Division Chief Ray Kennedy and USAID Electoral Administration Program Partner, IFES, reported that the first Policy Committee meeting was on May 17, 2009. The NEC, Ministry of Foreign Affairs, UNMIS, UNDP, representatives of the European Commission and UK DFID attended the meeting. The original composition of the committee was intended to allow it to focus on management of the UNDP basket and its principal donors. The Committee decided to expand the Policy Committee to include the U.S., Government of Southern Sudan (GoSS) Ministry of Regional Cooperation, and the Political Party Affairs Council.

¶4. (SBU) During the May 17 meeting, the NEC proposed a possible delay of elections to April 2010 on the heels of an April 2, 2009 decision that the elections were to be held in February 2010. The attendees discussed the status of voter registration, which has not begun. The NEC's proposed plan does not meet minimum international standards. (NOTE: There is a risk of manipulation of ballots on voting day without a method to substantiate both the voters list and registered voters. END NOTE.) With shared input from the international elections advisors, including USAID-funded IFES, UN Special Representative of the Secretary General Qazi insisted that voter registration meet minimum international standards and proposed two simple and technology-appropriate criteria: (1) pre-printing serial numbers on all voter registration forms, and (2) ensuring that voters receive proof of registration at the time of registration.

¶5. (SBU) Undersecretary El-Fathi said that the NEC also presented a budget of SDP 1.1 billion (appx. 480,000 USD) with a request that 30 percent be provided by donors at the Elections Policy Committee meeting. El-Fathi questioned the NEC's ability to develop a budget based on technical needs and requested that IFES support the NEC to develop a realistic budget. (NOTE: IFES meets regularly with the NEC and technical assistance on developing an elections budget has been discussed with the NEC numerous times without a favorable response from the NEC. Election advisors/experts from IFES, UNMIS, UNDP, and the EC collectively indicate that while NEC will receive technical input or material, it is slow to open up to an iterative engagement process. END NOTE.)

ELECTION POLICY COMMITTEE AND TECHNICAL COMMITTEE

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¶6. (U) The objective of the Elections Policy Committee, endorsed by the NEC on May 25, 2009, is "to discuss and provide recommendations to the NEC and other national authorities on major policy issues in support of the delivery of genuine, credible, and transparent elections. The Elections Policy Committee will also provide strategic guidelines to the Technical Committee to optimize international technical support to the electoral process in Sudan." The membership includes both national institutions and development partners: NEC Chairman and/or Deputy Chairman; Ministry of International Cooperation, Government of National Unity (GoNU); Ministry of Foreign Affairs (GoNU); Ministry of Regional Cooperation (GoSS); Political Party Affairs Council Chairman or Deputy Chairman; the UN SRSG with technical support by the UNMIS Electoral Division Chief; UNDP Country Director with support from the UNDP head of the basket fund;), the USAID Mission Director; European Commission Representative; and two Ambassadors from donor countries. The Committee will meet monthly; the first meeting is tentatively scheduled for June 1, 2009. (NOTE: The two Ambassadors are likely to be from donor countries contributing to the UNDP basket fund. The USG has not contributed directly to the fund. END NOTE)

¶7. (U) Also on May 25, the NEC endorsed the draft Elections Technical Committee's objective, which is "to coordinate technical support to the electoral process in Sudan and effectively and timely engage electoral assistance providers with the National Elections Commission. Ultimately, the Elections Technical Committee under the guidance of the Elections Policy Committee will support the National Elections Commission in delivering technically sound and credible elections as called for in the Comprehensive Peace Agreement." The Elections Technical Committee will be led by the NEC and hold weekly meetings. Membership includes technical assistance partners, UNMIS, UNDP, IFES, EU, and is open to any organization providing technical assistance to the electoral process "as deemed appropriate by the NEC."

CENSUS UPDATE

¶8. (SBU) Although the Government of National Unity Presidency endorsed the census on May 7, 2009, the official census results

still have not been released. However, NEC Vice Chairman Abdallah indicated that the NEC has the census results and will use the data to start constituency delimitation and use it as the basis for voter registration. According to unofficial results, the voting population, 18 years of age and over, is 52.8 percent at 20,692,131 out of a total population of 39,154,490. The actual census breakout looked at persons 17 years of age and older as census enumeration occurred last year and they would now be of voting age in 2009.

¶9. (SBU) The Southern Sudan Commission for Census, Statistics, and Evaluation (SSCCSE) raised three primary concerns with the census results: (1) low number of southerners in Khartoum and the North, (2) high number of nomads (NOTE: It is widely known that people in Southern Kordafan boycotted the census END NOTE.), (3) high population in Darfur that is fairly equivalent to the population in Southern Sudan. UNMIS, IFES, and USAID views the issue with using the census results for constituency delimitation to be problematic with populations in areas where enumeration coverage was inadequate either because people boycotted the census or because of insecurity; it is possible the population could be further marginalized, as they would not receive adequate representation reflecting their true numbers.

¶10. (SBU) A USAID advisor to the census reported that in a brief encounter with GoSS Minister of Presidential Affairs, Luka Biong Deng, on May 25, Deng said that there would be a lot of work to be done in terms of presenting basic analysis to key stakeholders. He said that the GoSS aim is to delink the census results from constituency delimitation (in which the NEC has already indicated they would proceed with using the census results) and the power sharing protocol. (NOTE: Per Minister Deng's remarks, GoSS negotiations appear to be ongoing with the NCP. Without full GoSS endorsement, the status of the official census results is not in keeping with media reports citing agreement on census figures. The distribution of the census to the NEC and state governors from the Central Bureau of Statistics in Khartoum without a complete settlement with GoSS is also adding to the confusion. END NOTE.)

¶11. (SBU) UNMIS and IFES have provided technical material and offered expertise on voter registration and constituency delimitation to the NEC, but the NEC had not taken up any offer of support. However, there is a slow but perceptible change in the tide

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on technical assistance: the NEC specifically requested IFES to identify a seasoned expert to revise their constituency delimitation plan.

NEC ORGANIZATION

¶12. (SBU) Up until now, there have only been two functioning committees at the NEC: (1) Elections Technical Affairs Committee led by Dr. Muktar Al Assam and the (2) Electoral Registry and Constituencies Methods and Training Committee by Secretary General Dr. Galal Mohamed Ahmed. They, in addition to Deputy Chairman Abdallah Ahmed Abdallah, have been dubbed the "triumvirate" among the international election advisors. This triumvirate has managed to concentrate authority and decision-making on the electoral process, to the exclusion of the two Southern Sudanese Commissioners. The Southern Commissioners are part of the NEC Committee on Southern Sudan Election High Committee (SSEHC) and the 25 State Election High (SEHC) Committees. Although the names of the SSEHC and SEHC commissioners were released on May 27, 2009, the NEC has not made an official announcement, and the functions of this Committee are fairly limited. UNMIS' Ray Kennedy and the IFES Chief of Party separately expressed concerns that the two Southern Commissioners have been marginalized. They noted that there is no visible SPLM effort for a greater role for these commissioners and to advocate for national representation.

COMMENT

¶13. (SBU) The lack of clarity over how the census results will be used, and the assumption that the GOSS and SPLM will reject their use, will continue to complicate elections planning with regard to constituency delimitation. Moreover, although it is still premature to make a final assessment, concerns over the NEC's lukewarm receptivity of international technical expertise and experienced advisors for electoral administration assistance may signal an increased likelihood of a flawed electoral process. The delayed elections timeline to April 2010 compromises the ability of Blue Nile State and Southern Kordofan to undertake viable popular consultations (already long delayed as according to the CPA the consultations are meant to gauge the CPA's acceptability to these populations) which would need to be led by newly-elected legislatures. Moreover, popular consultations would likely collide with a seemingly fixed referendum timeline before the end of the CPA interim period of 8 July 2011 - unless the parties agree to delay it - something the SPLM is highly unlikely to accept. As preparations progress on elections with USG foreign assistance, parallel USG diplomatic engagement will be required to ensure that overall USG strategy and efforts support an electoral process in Sudan that is as credible as possible.

ASQUINO